

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NICHOLAS EDWARDS, JOHN : CIVIL ACTION NO. 1:23-CV-156
HIGHTOWER, MUWSA GREEN, :
LAEL BROWN, ANTONIO BUNDY, : (Judge Conner)
WALTER SMITH, BOOKER CARTER, :
CAREY JONES, ISHMAEL PALERMO, :

Plaintiffs

v.

J. RIVELLO, A. WAKEFIELD, :
N. DAVIS, KERI MOORE, GEORGE :
M. LITTLE, :

Defendants

ORDER

AND NOW, this 22nd day of March, 2023, upon preliminary review of plaintiff Nicholas Edwards' complaint (Doc. 1), motion (Doc. 10) to proceed *in forma pauperis*, and motion (Doc. 4) for class certification, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 10) to proceed *in forma pauperis* by Nicholas Edwards is GRANTED.
2. Plaintiff Nicholas Edwards shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at plaintiff Nicholas Edwards' place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - a. The average monthly deposits in the inmate's prison account for the past six months, or

- b. The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/ Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court is directed to SEND a copy of this order to the Superintendent/Warden of the institution wherein plaintiff Nicholas Edwards is presently confined.
5. The complaint is DEEMED filed.
6. In accordance with Federal Rule of Civil Procedure 4(c)(3), the Clerk of Court is directed to SERVE a copy of the complaint (Doc. 1), notice of lawsuit and request to waive service of summons (form AO 398), waiver of the service of summons (form AO 399), and this order on the named defendants. In the interests of efficient administrative judicial economy, the court requests that defendants waive service pursuant to Federal Rule of Civil Procedure 4(d).
7. If service is unable to be completed due to plaintiff's failure to properly name the defendants, or provide an accurate mailing address for the defendants, plaintiff will be required to correct this deficiency. Failure to comply may result in the dismissal of plaintiff's claims against the defendants pursuant to Federal Rule of Civil Procedure 4(m).
8. The motion (Doc. 4) for class certification is DENIED.
9. The applications to proceed *in forma pauperis* by Booker Carter (Doc. 8), Lael Brown (Doc. 12), John Hightower (Doc. 14), Ishmael Palermo (Doc. 16), and Muwsa Green (Doc. 22) are DENIED.

10. The Clerk of Court is directed to RETURN to Muwsa Green the \$402.00 filing fee. (See Doc. 18).
11. Antonio Bundy, Walter Smith, and Carey Jones are DISMISSED from this action for their failure to comply with the court's 30-Day Administrative Order. (Doc. 7).
12. Booker Carter, Lael Brown, John Hightower, Ishmael Palermo, Muwsa Green, Antonio Bundy, Walter Smith, and Carey Jones, are DISMISSED from this matter without prejudice.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania